

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In re:

JOHN L. DI FRANCES and
SARAH L. DI FRANCES,

Debtor(s).

Case No. 16-21353-beh

Chapter 13

NOTICE AND REQUEST TO MODIFY CONFIRMED CHAPTER 13 PLAN

John L. Di Frances and Sarah L. Di Frances (*Name of proponent of modification*) filed papers with the Court requesting modification of the confirmed Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to confirm the modified plan as proposed, or if you want the Court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the Court a written request for hearing that contains a short and plain statement of the factual and legal basis for the objection. File your written request electronically or mail it to:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue
Room 126
Milwaukee, WI 53202-4581

If you mail your request to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the expiration of 21 days.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the request and may enter an order confirming the modified plan.

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REQUEST TO MODIFY CONFIRMED CHAPTER 13 PLAN

1. The person requesting this plan modification is:
☒ the Debtor;
☐ the Chapter 13 Trustee;
☐ the holder of an unsecured claim, Name: _____
2. Service: A certificate of service must be filed with this request for plan modification. Designate one of the following:
☒ A copy of this proposed modification has been served on the parties (the debtor, the trustee, the United States trustee and all creditors) as required by Fed. R. Bank. P. 3015(g); or
☐ A motion requesting limited service is being filed simultaneously with the Court.
3. I request the following modification of the Chapter 13 Plan last confirmed by the Court:

Sections 10(G) and 10(H) shall be amended to read (changes are highlighted):

10(G). On or before **February 28, 2018**, the debtors shall sell their homestead with the appropriate court and/or trustee approval. The debtors estimate that said sale will fully satisfy the secured claim of Ixonia Bank as well as all remaining claims in this case. Upon the listing of this real estate for sale, the debtors shall notify Ixonia Bank immediately that said listing has occurred. Within thirty (30) days of the closing date of the sale of their homestead, the debtors shall forward to the trustee all of the net proceeds from the sale of their homestead for the benefit of all creditors, including Ixonia Bank. The debtors shall list the homestead real estate for sale with an experienced local broker at a listing price of not less than \$435,344, the value of the real estate as disclosed on the debtors' Schedule A in this case. The debtors shall continuously maintain this listing until 11:59 PM CST on **February 28, 2018**. If closing of the sale of the homestead real estate is not accomplished by **February 28, 2018**, at 11:59PM CST, then the automatic stay shall be lifted as to Ixonia Bank at 12:01AM CST on **March 1, 2018**.

10(H). In the alternative to subsection 10(G), the debtors recently discovered that they may qualify for a reverse mortgage loan. On or before **February 28, 2018**, the debtors shall apply for and complete the reverse mortgage process with the appropriate court and/or trustee approval. The proceeds received from said reverse mortgage loan shall be enough to satisfy the secured claim of Ixonia Bank in full, as well as enough to pay off the entire plan. Within thirty (30) days of closing on the reverse mortgage loan, the debtors shall ensure that sufficient funds have been forwarded to the trustee to satisfy all claims, including Ixonia's claim, in full. If closing of the reverse mortgage loan is not accomplished by **February 28, 2018**, at 11:59PM CST, then the automatic stay shall be lifted as to Ixonia Bank at 12:01AM CST on **March 1, 2018**. The debtors shall complete a reverse mortgage application and provide a copy of that application to Ixonia Bank on or before April 30, 2017.

10(H)(i). The debtors are working with AAG on a reverse mortgage application. They have been pre-cleared for a reverse mortgage loan through AAG. The required appraisal and all required inspections have been completed, and the debtors are only

awaiting final underwriting and processing for the reverse mortgage loan to complete. It is expected that closing for the loan will occur within the next thirty to sixty days.

All remaining terms of the Chapter 13 Plan confirmed on _____ (date) are unaffected. In the event of a conflict between the terms of the confirmed Plan and the terms of this modification, the terms of this modification control.

WHEREFORE, the proponent requests that the Court approve this modification to the confirmed Chapter 13 Plan.

CERTIFICATION

Each proponent or the attorney for each proponent must sign this certification. If the proponent is the Debtor, the Debtor's attorney must sign this certification, and the Debtor may, but is not required to sign. If the Debtor does not have an attorney, the Debtor must sign this certification.

The provisions in this modified Chapter 13 plan are identical to those contained in the official local form other than the changes listed in part 3.

I certify under penalty of perjury that the foregoing is true and correct.

Respectfully submitted (date).

(typed name of proponent)

(typed name of proponent)

/s/ Anton B. Nickolai.
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